

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE OF MICHIGAN and MICHIGAN
ECONOMIC DEVELOPMENT
CORPORATION,

Plaintiffs/Counter-
Defendants,

v.

LITTLE RIVER BAND OF OTTAWA
INDIANS and LITTLE TRAVERSE BAY
BANDS OF ODAWA INDIANS,

Defendants/Counter-
Plaintiffs,

v.

MICHIGAN STRATEGIC FUND,

Counter-Defendant.

Case No. 5:05CV0095

Hon. Wendell A. Miles

**ORDER DISBURSING FUNDS
AND AMENDING FINAL
JUDGMENT**

ORDER DISBURSING FUNDS AND AMENDING FINAL JUDGMENT

In its Opinion and Order dated April 27, 2007, the Court granted the Motion for Judgment on the Pleadings Or, Alternatively, for Summary Judgment of Plaintiff/Counter-Defendants State of Michigan (the “State”) and Michigan Economic Development Corporation (“MEDC”).

In accordance with that Opinion and Order, and based on the Stipulation For Entry and Stay of Judgment executed by the parties on June 18, 2007, the Court entered a Final Judgment, also on June 18, 2007 (the “Judgment”), in favor of the State, the MEDC and the Michigan Strategic Fund (“MSF”) and against the Defendant Tribes – the Little River Band of Ottawa Indians (“LRB”) and the Little Traverse Bay Bands of Odawa Indians (“LTBB”). The Judgment provided for the payment into the Court Registry of all amounts found due to the State and the

MEDC, as well as certain future amounts that came due during the pendency of any appeal. All parties agreed that the funds paid into the Court Registry would be invested and would earn interest that remained in the Court Registry. Separate accounts were set up for LTBB (the “State-LTBB Registry account”) and for LRB (the “State-LRB Registry account”).

The Tribes did file an appeal with the United States Court of Appeals for the Sixth Circuit and payments were made by the Tribes into their respective registry accounts in this Court during the pendency of the appeal.

All parties have now reached a voluntary agreement settling the appeal and the appeal was in fact dismissed by the Court of Appeals on March 31, 2008.

The parties now seek to have the funds held by the Court disbursed pursuant to their settlement and have filed a stipulation with the Court for that purpose. In accordance with that stipulation, the Court hereby ORDERS:

1. That all the funds in the State-LTBB Registry account, including all interest or other investment income, shall be paid one-half to the MSF and one-half to LTBB, and that to the extent the Judgment provides for a different disposition of the funds, it is hereby amended so that it is consistent with this Order.
2. That all the funds in the State-LRB Registry account, including all interest or other investment income, shall be paid one-half to the MSF and one-half to LRB, and that to the extent the Judgment provides for a different disposition of the funds, it is hereby amended so that it is consistent with this Order.
3. All funds paid to the MSF pursuant to the parties’ stipulation and this Order shall be paid by wire transfer pursuant to instructions provided by the MSF to the Court.

4. All funds paid to LTBB pursuant to the parties' stipulation and this Order shall be paid by wire transfer pursuant to instructions provided by LTBB to the Court.
5. All funds paid to LRB pursuant to the parties' stipulation and this Order shall be paid by wire transfer pursuant to instructions provided by LRB to the Court.

It is further ORDERED, that once the MSF has received the funds as required to be disbursed by the above Order, the State and the MEDC shall have 10 business days to enter a full satisfaction of judgment in this matter. Even after the entry of the full satisfaction of judgment, the amount disbursed to the MSF is subject to adjustment as a result of subsequent audits conducted by the State pursuant to authority granted by the gaming compacts, in which case the parties may apply to the Court for an adjustment of the amount due to the MSF, including corresponding adjustments to interest due on that amount.

IT IS SO ORDERED.

Dated: April 3, 2008

/s/ Wendell A. Miles

Honorable Wendell A. Miles
United District Court
Western District of Michigan

SUBMITTED FOR ENTRY:

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Dated: April 2, 2008

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JUDGMENT AGREED AS TO FORM ONLY:

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